

(Mr. Bourelly, ELDO)

The 1967 Treaty on the Use of Outer Space and the 1972 Convention on International Liability explicitly mentioned the rights and obligations of international organizations. ELDO was now studying the possibility of signing the declaration provided for in article XXII of the Convention on International Liability. ELDO, which was particularly interested in the problems of registration included in the Sub-Committee's agenda, hoped to be able to give the Sub-Committee the benefit of its experience on any problem within its competence.

The meeting rose at 11.35 a.m.



UNITED NATIONS GENERAL ASSEMBLY



PROVISIONAL

For participants only

A/AC.105/C.2/SR.195

3 April 1973

ENGLISH

ORIGINAL: FRENCH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Twelfth Session

PROVISIONAL SUMMARY RECORD OF THE ONE HUNDRED AND NINETY-FIFTH MEETING

Held at Headquarters, New York,
on Thursday, 29 March 1973, at 10.45 a.m.

Chairman:

Mr. WYZNER

Poland

CONTENTSGeneral exchange of views (continued)

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GENERAL EXCHANGE OF VIEWS (continued)

Mr. SOUZA E SILVA (Brazil) said that he wished to put forward some observations of a general nature regarding several items on the agenda. He pointed out that the attention of the Sub-Committee seemed to be primarily concentrated on items 2 and 3, which concerned respectively the draft treaty relating to the moon and the draft convention on registration. When the delegation of the Soviet Union had introduced the draft treaty on the moon during the twenty-sixth session of the General Assembly, Brazil had voiced doubts on the need to take up the issue at that time. The new draft did not appear to be a significant improvement on the Outer Space Treaty of 1967, and there did not seem to be any urgent need to complete the text at the present stage of outer space exploration and of the work of the Sub-Committee. However, his delegation had already stated earlier that it was willing to engage in serious and unbiased discussion on the need for a new legal instrument. During the course of discussions in the Sub-Committee, several delegations had introduced new elements, and the text, as it now stood, including the sections between brackets, already showed considerable improvement over the original draft.

However, his delegation wished to reiterate the proposal it had made during the last session of the Committee on Outer Space regarding the exact title to be given to the draft treaty.

Since the few new elements in the original and the modified version of the draft treaty relating to the moon were of either a technical or an administrative nature, the text should take the form of a complementary agreement or additional protocol to the Outer Space Treaty of 1967. However, if the Sub-Committee really wished to draft an autonomous instrument, it should be called a "convention" or "agreement", since the term "treaty" should be applied exclusively to the 1967 instrument on outer space.

His delegation had carefully studied the document submitted by the USSR and Bulgaria on the outstanding clauses of the draft. His delegation shared the view of the Canadian delegation on the idea of negotiating on the basis of a package deal. Such a package deal should include not only the outstanding issues in the draft treaty relating to the moon but also questions concerning registration, the definition of outer space and direct satellite broadcasting.

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If the Sub-Committee wished to finalize the draft on the moon, negotiations should proceed in a spirit of compromise and mutual respect and understanding. A valid consensus could be achieved only with the participation of all groups of States, space Powers and non-space Powers, developed and developing countries. If the international community was to legitimize and regulate the activities of space Powers on the moon, the decisions taken in that context should not prejudice the actual or potential interests of all the other States.

His delegation had clearly stated its position on the draft convention on registration over the long years during which the issue had been considered. An effective and reliable international registration system was indispensable, not only to ensure a more orderly conduct of outer space activities but also because it was a precondition for the full implementation of the 1972 Convention on Liability and the 1968 Agreement on Astronauts. Furthermore, a compulsory system of international registration, if strictly applied, would help to dispel the apprehensions of the world community concerning the use of outer space for unwarranted military purposes and its obvious negative implications for international peace and security. His delegation welcomed the merging of the Canadian and French proposals and the positive attitude shown in the draft submitted by the United States delegation.

Brazil was not a space Power, and its capacity to participate in the regulation of outer space exploration was therefore limited to certain specific areas, such as remote sensing and aspects which had direct implications for his country. Nonetheless, most of the work entrusted to the Committee on Outer Space was fundamentally of a political nature. The Sub-Committee should not lose sight of that fact, despite the oft-repeated argument that consideration of one matter or another was premature or that a point could not be juridically regulated because adequate scientific or technical data was lacking. Such reasoning applied not only to the draft treaty relating to the moon and the draft convention on registration but also to other agenda items. It was to be hoped that the Sub-Committee could complete its work on the first two texts during the present session so as to be able to tackle other questions. Again, it was not technical or scientific information that was lacking but rather political will on the part of those

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(Mr. Souza e Silva, Brazil)

countries which had control over the technology involved and which continued to show a certain degree of reluctance in assuming more specific and universal commitments concerning access to such technology.

With regard to activities carried out through remote sensing satellite surveys of earth resources, his delegation was pleased with the work carried out thus far by the Working Group on Remote Sensing of the Earth by Satellite, which had begun to provide Member States with useful information and to identify the legal options open to the international community for the regulation of the different phases of remote sensing activities. The Working Group and the other United Nations bodies directly concerned with outer space activities should give further consideration to those important issues. The debate on that subject thus far had revealed delicate juridical and political problems that the Legal Sub-Committee must tackle realistically, giving them the priority they deserved.

The meeting rose at 11.05 a.m.



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2 avril 1973

ORIGINAL : FRANCAIS

COMITE DES UTILISATIONS PACIFIQUES DE L'ESPACE EXTRA-ATMOSPHERIQUE

SOUS-COMITE JURIDIQUE

Douzième session

COMPTE RENDU ANALYTIQUE PROVISOIRE DE LA CENT QUATRE-VINGT-SEIZIEME SEANCE

Tenue au Siège, à New York,
le vendredi 30 mars 1973, à 10 h 50.

Président :

M. WYZNER

Pologne

SOMMAIRE

- Echange de vues général (suite)

Les rectifications au présent compte rendu doivent être rédigées dans l'une des quatre langues de travail (anglais, espagnol, français ou russe), de préférence dans la même langue que le texte auquel elles sont apportées. Les rectifications doivent être adressées en quadruple exemplaire, dans un délai de trois jours ouvrables, au Chef de la Section d'édition des documents officiels, Service des conférences, bureau LX-2332, et également portées sur un exemplaire du compte rendu.

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